

02-08-06

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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/484895 ✓
	Filing Date	January 18, 2000
	First Named Inventor	John Joseph HARRINGTON
	Art Unit	1636
	Examiner Name	Q. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	ATX-007CP4DV7

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181 <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Date Stamped Return Receipt Postcard dated September 26, 2005 (1 page); and Copy of all Documents filed on September 26, 2005 (73 pages)
<b>Remarks</b>		

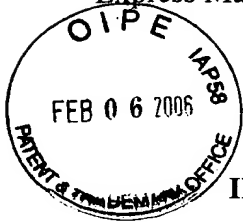
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Cynthia L. Kanik, Ph.D.		
Date	February 6, 2006	Reg. No.	37,320

Express Mail Label No. EV 466141866 US Dated: February 6, 2006

BEST AVAILABLE COPY

Docket No.: ATX-007CP4DV7  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John J. Harrington *et al.*

Application No.: 09/484895

Confirmation Number: 1246

Filed: January 18, 2000

Art Unit: 1636

For: COMPOSITIONS AND METHODS FOR NON-  
TARGETED ACTIVATION OF  
ENDOGENOUS GENES

Examiner: Q. Nguyen

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER CFR §1.181**

Dear Sir:

In response to a Notice of Abandonment mailed from the U.S. Patent and Trademark Office on January 25, 2006, in error, for allegedly failing to timely file corrected Formal Drawings, Applicants submit this petition to withdraw the holding of Abandonment in the above-identified patent application.

Applicants respectfully submit a copy of the date stamped return receipt postcard as *prima facie* evidence that the Applicants timely filed corrected Formal Drawings along with the payment of the issue fee on September 26, 2005. Applicants herewith submit a copy of all of the documents filed on September 26, 2005, using the Express mail procedure for the Office's convenience.

In view of the foregoing, Applicants respectfully request timely grant of this petition, revival of the above-identified patent application and its issuance into a U.S. Patent.

Should there be any remaining issues, the Office is urged to call Applicant's attorney at (617) 227-7400. Applicants believe no fee is due with this Petition. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. ATX-007CP4DV7 from which the undersigned is authorized to draw.

Dated: **February 6, 2006**

Respectfully submitted,

By



Cynthia L. Kanik, Ph.D.  
Registration No. 37,320  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617)227-7400 (Tel.)  
(617) 742-4214 (Fax)  
Attorney for Applicants

**Inventor:** John Joseph HARRINGTON *et al.*

**Application No.:** 09/484895-Conf. #1246

**Filing Date:** January 18, 2000

**Title:** COMPOSITIONS AND METHODS FOR NON-TARGETED ACTIVATION OF ENDOGENOUS GENES

**Documents Filed:**

Transmittal (1 page)

Issue Fee Transmittal PTOL-85 (1 page)

Fee Transmittal (1 page, in duplicate)

Submission of Formal Drawings (1 page)

Formal Drawings - Figures 1-37C (62 sheets)

Copy of Draftsperson's Notice dated April 15, 2003  
(1 page)

Terminal Disclaimer (2 pages)

Return Receipt Postcard

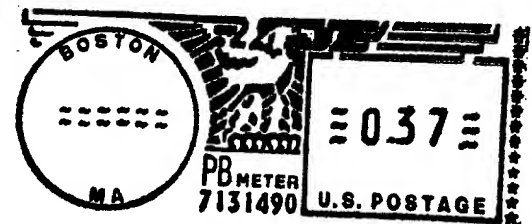
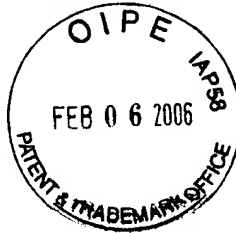
Certificate of Express Mailing (1 page)

Charge \$1,560.00 to deposit account 12-0080

**Via:** Express Mail: Airbill No. EV 553871405 US

**Sender's Initials:** CLK/SM/sk

**Date:** September 26, 2005



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PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/484895-Conf. #1246
	Filing Date	January 18, 2000
	First Named Inventor	John Joseph HARRINGTON
	Art Unit	1636
	Examiner Name	Q. Nguyen
Total Number of Pages in This Submission	Attorney Docket Number	ATX-007CP4DV7

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawings (62 sheets)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input checked="" type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  PTOL-85; Submission of Formal Drawings; Copy of Draftsperson's Notice dated April 15, 2003; Certificate of Express Mailing; and Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Sapna Mehtani, Ph.D., J.D.		
Date	September 26, 2005	Reg. No.	56,126

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 553871405 US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 26, 2005

Signature: \_\_\_\_\_

(Sapna Mehtani, Ph.D., J.D.)



PTO/SB/17 (12-04v2)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	09/484895-Conf. #1246
		Filing Date	January 18, 2000
		First Named Inventor	John Joseph HARRINGTON
		Examiner Name	Q. Nguyen
		Art Unit	1636
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	ATX-007CP4DV7	
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b>	<b>1,560.00</b>

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>12-0080</u> Deposit Account Name: <u>Lahive &amp; Cockfield, LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<b>Small Entity</b>		<b>Small Entity</b>		<b>Small Entity</b>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<b>Small Entity</b>	
						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
_____ - 20 = _____		x _____	= _____		<b>Fee (\$)</b> <b>Fee Paid (\$)</b>		
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 3 = _____		x _____	= _____				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 100 = _____	/50	(round up to a whole number) x	= _____				
<b>4. OTHER FEE(S)</b>							
						<b>Fees Paid (\$)</b>	
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2814 Statutory Disclaimer						130.00	
1501 Utility issue fee						1400.00	
8001 Printed copy of patent w/o color						30.00	

<b>SUBMITTED BY</b>			
Signature	<u>Sapna Mehtani</u>	Registration No. (Attorney/Agent)	56,126
Name (Print/Type)	Sapna Mehtani, Ph.D., J.D.	Telephone	(617) 227-7400
		Date	September 26, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 553871405 US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: September 26, 2005	Signature: <u>Sapna Mehtani</u> (Sapna Mehtani, Ph.D., J.D.)



Docket No.: ATX-007CP4DV7  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John J. Harrington *et al.*

Application No.: 09/484895

Confirmation Number: 1246

Filed: January 18, 2000

Art Unit: 1636

For: COMPOSITIONS AND METHODS FOR NON-  
TARGETED ACTIVATION OF ENDOGENOUS  
GENES

Examiner: Q. Nguyen

**SUBMISSION OF FORMAL DRAWINGS**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith one set (sixty-two sheets, Figures 1 – 37C) of formal drawings for filing in the above-identified patent application in response to a Notice of Draftsperson's Patent Drawing Review dated April 15, 2003. A copy of the notice is enclosed.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. ATX-007CP4DV7 from which the undersigned is authorized to draw.

Dated: September 26, 2005

Respectfully submitted,

By Sapna Mehtani  
Sapna Mehtani, Ph.D., J.D.  
Registration No.: 56,126  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicants

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 553871405 US, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 26, 2005

Signature: Sapna Mehtani (Sapna Mehtani, Ph.D., J.D.)



NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEW

COPY

The drawing(s) filed (insert date) 1-13-00 are:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

## 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

Color drawings are not acceptable until petition is granted.

Fig(s) \_\_\_\_\_

Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

1 full-tone set is required. Fig(s) \_\_\_\_\_

Photographs may not be mounted. 37 CFR 1.84(e)

Poor quality (half-tone). Fig(s) \_\_\_\_\_

## 3. TYPE OF PAPER. 37 CFR 1.84(c)

Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

Erasures, alterations, overwritings, interlineations,

folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

Mylar, velum paper is not acceptable (too thin).

Fig(s) \_\_\_\_\_

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4)

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

All drawing sheets not the same size.

Sheet(s) \_\_\_\_\_

Drawing sheets not an acceptable size. Fig(s) \_\_\_\_\_

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

Margins not acceptable. Fig(s) \_\_\_\_\_

Top (T) Left (L) Right (R) Bottom (B)

Fig(s) \_\_\_\_\_

## 6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

Brackets needed to show figure as one entity.

Fig(s) \_\_\_\_\_

Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

Enlarged view not labeled separately or properly.

Fig(s) \_\_\_\_\_

## 7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

Hatching not indicated for sectional portions of an object.

Fig(s) \_\_\_\_\_

Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) \_\_\_\_\_

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(g)

Words do not appear on a horizontal, left-to-right fashion, when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

## 9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS.

37 CFR 1.84(j)

Lines, numbers &amp; letters not uniformly thick and well defined, clean, durable, and black (poor line quality).

Fig(s) 1-37C

## 11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) \_\_\_\_\_

Solid black shading not permitted. Fig(s) \_\_\_\_\_

Shade lines, pale, rough and blurred. Fig(s) \_\_\_\_\_

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS.

37 CFR 1.84(p)

Numbers and reference characters not plain and legible.

Fig(s) 1-37CFigure legends are poor. Fig(s) 1-37C

Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) \_\_\_\_\_

English alphabet not used. 37 CFR 1.84(p)(2)

Fig(s) \_\_\_\_\_

Numbers, letters and reference characters must be at least

32 cm (1 1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) \_\_\_\_\_

## 13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) \_\_\_\_\_

Lead lines missing. Fig(s) \_\_\_\_\_

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) \_\_\_\_\_

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

## 16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948 dated \_\_\_\_\_

## 17. DESIGN DRAWINGS. 37 CFR 1.152

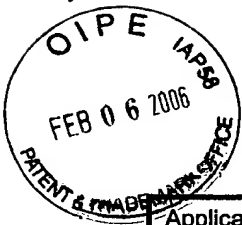
Surface shading shown not appropriate. Fig(s) \_\_\_\_\_

Solid black shading not used for color contrast.

Fig(s) \_\_\_\_\_

COMMENTS

REVIEWER J. CHASEDATE 4-15-03TELEPHONE NO. 703 305 8430ATTACHMENT TO PAPER NO. 19



Application No. (if known): 09/484895

Attorney Docket No.: ATX-007CP4DV7

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 553871405 US in an envelope addressed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 26, 2005  
Date

Signature

Sapna Mehtani

Typed or printed name of person signing Certificate

56,126  
Registration Number, if applicable

(617) 227-7400  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal (1 page)  
Issue Fee Transmittal PTOL-85 (1 page)  
Fee Transmittal (1 page, in duplicate)  
Submission of Formal Drawings (1 page)  
Formal Drawings - Figures 1-37C (62 sheets)  
Copy of Draftsperson's Notice dated April 15, 2003 (1 page)  
Terminal Disclaimer (2 pages)  
Return Receipt Postcard  
This Certificate of Express Mailing (1 page)  
Charge \$1,560.00 to deposit account 12-0080